

To: LEVIN, NANCY[Levin.Nancy@epa.gov]; Chen, Eugene[Chen.Eugene@epa.gov]
Cc: Steckel, Andrew[Steckel.Andrew@epa.gov]
From: Chan, Janice
Sent: Wed 9/14/2016 10:39:14 PM
Subject: RE: Hickman - questions regarding permit status
[Arizona Rulemaking 13 final exempt.pdf](#)
[Arizona Rulemaking 19 docket.pdf](#)

Hi Nancy,

The attachments provide a background on the addition of the rotary dryer used for Ag BMP for commercial poultry facilities in nonattainment status in Maricopa County. The topic is number 2 in the Notice of Rulemaking Docket, and the Notice of Final Exempt Rulemaking starts on page 987.

Janice

From: LEVIN, NANCY
Sent: Thursday, September 08, 2016 2:18 PM
To: Chan, Janice <Chan.Janice@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>
Cc: Steckel, Andrew <Steckel.Andrew@epa.gov>
Subject: RE: Hickman - questions regarding permit status

Ex. 5 & 7e

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: Chan, Janice

Sent: Friday, September 02, 2016 5:13 PM
To: LEVIN, NANCY <Levin.Nancy@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>
Cc: Steckel, Andrew <Steckel.Andrew@epa.gov>
Subject: RE: Hickman - questions regarding permit status

Here's follow-up on what we discussed previously.

Ex. 5 & 7e

Janice

From: LEVIN, NANCY
Sent: Wednesday, August 31, 2016 1:27 PM
To: Chan, Janice <Chan.Janice@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>
Cc: Steckel, Andrew <Steckel.Andrew@epa.gov>
Subject: RE: Hickman - questions regarding permit status

Ex. 5 & 7e

I attached the only AgBMP rules that are SIP-approved. R18-2-610 is a definitions rule. R18-2-611 is the AgBMP permit rule. These are the only AgBMP federally-enforceable AgBMP rules for Maricopa County. ARS 49-457 is a SIP-approved statute that establishes the Agricultural BMP Committee.

Key points

#1 – The SIP-approved AgBMP rules for Maricopa PM10 nonattainment area *effectively only regulate crops*.

- Rule 610 #28 “Regulated Agricultural activity” means commercial farming practice that may produce PM10 within the PM10 nonattainment area.

- Rule 610 #7 “Commercial farm” means 10 or more contiguous acres of land used for agricultural purposes within the boundary of the Maricopa PM10 nonattainment area
- Rule 611 (C) “A commercial farmer shall implement at least 1 best management practice from each of the following categories: 1. Tillage and harvest, subsection (E), 2. Noncropland, subsection (F); and 3. Cropland, subsection (G)...”
- Rule 610 #33 “Tillage and harvest” means any mechanical practice that physically disturbs cropland or crops on a commercial farm.
- Rule 610 #12 “Cropland” means land on a commercial farm that: a. Is within the timeframe of final harvest to plant emergence; b. Has been tilled in a prior year and is suitable for crop production, but is currently fallow; or c. Is a turn row.
- Rule 610 #22 “Noncropland” means any commercial farm land that: a. Is no longer used for agricultural productions; b. Is no longer suitable for production of crops; c. Is subject to a restrictive easement or contract that prohibits use for the production of crops; or d. Includes a private farm road, ditch, ditch bank, equipment yard, or well head.

#2 - There is a state regulation that applies to animal operations in Maricopa, but it’s not in the SIP (nor has it been submitted to EPA) and is therefore, not federally-enforceable.

#3 – If the issue is PM10 (dust), we could look at their fugitive dust rules. But if it’s odor, I don’t see a hook with AgBMPs that are in the SIP.

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: Chan, Janice

Sent: Wednesday, August 31, 2016 12:25 PM

To: LEVIN, NANCY <Levin.Nancy@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>

Subject: RE: Hickman - questions regarding permit status

Hickman facilities are in Maricopa County. Here are the specific locations:

The Arlington facility (main facility) is located at 32425 W. Salome Highway, Arlington, AZ 85322.

The Tonopah location is 41625 W. Indian School Road, Tonopah, AZ 85354.

Thanks,

Janice

From: LEVIN, NANCY

Sent: Wednesday, August 31, 2016 12:19 PM

To: Chen, Eugene <Chen.Eugene@epa.gov>; Chan, Janice <Chan.Janice@epa.gov>

Subject: RE: Hickman - questions regarding permit status

I'd need to know where Hickman is located to know if it's in a nonattainment area, serious or not. I seem to recall it was in Maricopa county – but outside the NAA?

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: Chen, Eugene

Sent: Wednesday, August 31, 2016 12:09 PM

To: LEVIN, NANCY <Levin.Nancy@epa.gov>; Chan, Janice <Chan.Janice@epa.gov>

Subject: RE: Hickman - questions regarding permit status

I can help out a little on the non TV side if you need it. I'd be interested in hearing about the Ag BMPs too, but if I'm not available go ahead without me.

From: LEVIN, NANCY
Sent: Wednesday, August 31, 2016 10:35 AM
To: Chan, Janice <Chan.Janice@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>
Subject: RE: Hickman - questions regarding permit status

Why don't you set up a time. My calendar should be up to date.

Nancy Levin | 415-972-3848 | Rules and Planning

Air Division | Region IX| U.S. Environmental Protection Agency

From: Chan, Janice
Sent: Wednesday, August 31, 2016 9:33 AM
To: LEVIN, NANCY <Levin.Nancy@epa.gov>; Chen, Eugene <Chen.Eugene@epa.gov>
Subject: Hickman - questions regarding permit status

Hi Nancy and Eugene,

Ex. 5 & 7e

Ex. 5 & 7e

Thanks,

Janice

Janice Chan

Environmental Protection Specialist

U.S. Environmental Protection Agency, Region 9

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